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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,355	10/01/2003	Chih-Wei Chen	0698-0164P	3816

2292 7590 02/10/2006

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EXAMINER

PEERS, CHASE W

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/674,355	CHEN, CHIH-WEI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chase Peers	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

The examiner acknowledges the applicant's submission of the amendment dated 1/26/2006.

## **1. STATUS OF CLAIM FOR PRIORITY IN THE APPLICATION**

Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

## **2. ACKNOWLEDGMENT OF ISSUES RAISED BY THE APPLICANT**

### **a. ARGUMENTS CONCERNING FORMAL MATTERS**

The applicant's traversal of the formal requirements requested by the examiner are addressed in the following section as required by M.P.E.P. § 707.07(f).

## **3. ARGUMENTS CONCERNING PRIOR ART REJECTIONS**

### **1st POINT OF ARGUMENT:**

Regarding the argument that Matsumoto et al. does not disclose the updated information as a plurality of update information blocks corresponding to the size of the memory blocks, the examiner disagrees. Paragraphs 69 and 175 show that pluralities of update information blocks do correspond to the size of the memory blocks. The examiner apologizes for not referencing these paragraphs earlier.

### **2ND POINT OF ARGUMENT:**

Regarding the argument that a ROM burner or burner simulation does not cover claims 8 and 15, the examiner disagrees. It was not stated that the technology was similar and the examiner never thought that the structure and process of the two were the same. However, an EPROM is a special case of ROM and using the broadest reasonable interpretation, the EPROM burner does cover claims 8 and 15.

#### **4. CLOSING COMMENTS**

##### **Conclusion**

#### **5. STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. § 707.07(i):

##### **a(1) SUBJECT MATTER CONSIDERED ALLOWABLE**

There is no subject matter in the application that the examiner has found to be considered allowable.

##### **a(2) CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, all claims have received a second action on the merits and are subject of a second action final.

For at least the above reasons it is the examiner's position that the applicant's claims are not in condition for allowance.

#### **6. DIRECTION OF ALL FUTURE REMARKS**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chase Peers whose telephone number is (571) 272-6757. The examiner can normally be reached on from Monday to Friday, 8AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PIERRE BATAILLE  
PRIMARY EXAMINER  
1/30/06